

REMARKS

In the April 3, 2003, Office Action, claims 1-3 and 6-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Denley, U.S. Pat. No. 5,779,343; claims 1-3 and 6-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Schmitt, U.S. Pat. No. 5,309,780 (disclosed by applicant, but inadvertently cited by in the Office Action as “Schmitt ‘380”); and claims 4-5 and 21-22 were rejected under 35 U.S.C. § 103(a) as being obvious over Denley or Schmitt in view of Denley, U.S. Pat. No. 5,355,287.

There were six independent claims considered by the Office, claims 1, 8, 15, 20, 21, and 22. In response to the Office Action, Applicant has amended claims 1, 8, and 20-22 and presents arguments to overcome the rejections under 35 U.S.C. §§ 102 and 103. Claims 1-22 are presently in the case and presented for reconsideration.

Rejection of Claims 1-3 and 6-20 Under 35 U.S.C. § 102(B) Over Denley, U.S. Pat. No. 5,779,343

Claims 1-3 and 6-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Denley ‘343. The Office cites the following structure as being taught by Denley ‘343:

an adjuster housing 50 having an interior portion. An adjustment gear 112 is journaled at least partially in the interior portion of the adjuster housing. The adjustment gear 112 has an interior surface with a drive portion and an exterior surface with a toothed portion. A ball stud 42 has a threaded portion and a driven portion. At least a portion of the ball stud passing through the interior surface of the adjustment gear 112 such that the driven portion of the ball stud is selectively engageable to the drive portion of the interior surface of the adjustment gear. An input shaft 70 extends from the housing. The input shaft 70 has a bevel gear 84 at an end thereof. The bevel gear 84 is at the end of the input shaft in engagement with the toothed portion of the adjustment gear 112. The device further includes a clutching mechanism 94.

(April 23, 2003, Office Action at 2.) Applicant respectfully disagrees with the Office’s

view of the teachings of Denley '343 in that there is at least one element in rejected claims 1-3 and 6-20 not taught by the reference, namely selective engagement of the driven portion of the ball stud to the adjustment gear and a clutching mechanism.

With respect to the claimed selective engagement of the driven portion of the ball stud to the adjustment gear (claims 1-3, 6-7, 11, and 15-20), Applicant has reviewed Denley '343 and cannot identify any teaching of such a selective engagement. Rather, it appears that when the Denley '343 adjuster is assembled, the gear section 32 of the link 30 is in constant engagement with the drive gear 72 formed on the drive shaft 70. (Denley '343, col. 3, line 65 – col. 4, line 10.) Thus, there is no selective engagement as is recited in the noted claims.

With respect to the claimed clutching (claims 7-19), the Office cited reference number 94 in Denley '343 as somehow being a clutching mechanism. Applicant respectfully disagrees with this interpretation. Denley '343 discloses a nut 90 for engaging a pitch control thread 43. The nut 90 is comprised of a pair of *flanges* 94 which engage slots 63, 64 in the body of the housing 50 and prevent nut 90 from separating. (Denley '343, col. 6, line 66 – col. 7, line 3.) Flanges 94 and nut 90 simply do not operate as a clutching mechanism. In fact, Denley '343 does not disclose any means by which clutching can occur and never even mentions that attempted overadjustment of a headlamp adjuster is problematic. Thus, Denley '343 does not show or suggest a clutch mechanism.

Therefore, Applicant respectfully requests that the rejection of claims 1-3 and 6-20 under 35 U.S.C. § 102(b) as being anticipated by Denley '343 be withdrawn.

Rejection of Claims 1-3 and 6-20 Under 35 U.S.C. § 102(B) Over Schmitt, U.S. Pat. No. 5,309,780

Claims 1-3 and 6-20 were also rejected under 35 U.S.C. § 102(b) as being anticipated by Schmitt '780.<sup>1</sup> The Office cites the following structure as being taught by Schmitt '780:

an adjuster housing 38 having an interior portion. An adjustment gear 64 is journaled at least partially in the interior portion of the adjuster housing. The adjustment gear 64 has an interior surface with a drive portion and an exterior surface with a toothed portion. A ball stud 30 has a threaded portion and a driven portion. At least a portion of the ball stud passing through the interior surface of the adjustment gear 64 such that the driven portion of the ball stud is selectively engageable to the drive portion of the interior surface of the adjustment gear. An input shaft 28 extends from the housing. The input shaft 28 has a bevel gear 62 at an end thereof. The bevel gear 62 is at the end of the input shaft in engagement with the toothed portion of the adjustment gear 64. The device further includes a clutching mechanism 80.

(April 23, 2003, Office Action at 3.) Applicant respectfully disagrees with the Office's view of the teachings of Schmitt '780 in that there is at least one element in rejected claims 1-3 and 6-20 not taught by the reference, namely selective engagement of the driven portion of the ball stud to the adjustment gear and a clutching mechanism.

With respect to the claimed selective engagement of the driven portion of the ball stud to the adjustment gear (claims 1-3, 6-7, 11, and 15-20), Applicant has reviewed Schmitt '780 and cannot identify any teaching of such a selective engagement. Rather, it appears that when the Schmitt '780 adjuster is assembled, the planar surfaces 68 of the shaft 30 of the ball stud are in constant engagement with the gear flats 70 of the gear bore 66 such that rotation of the adjustment gear 64 rotates the shaft 30 and the engagement of the shaft 30 with the nut body 54 causes axial displacement of the shaft 30. (Schmitt

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<sup>1</sup> The Office Action states "Schmitt ('380)" but Applicant believes that the Office intended to refer to Schmitt '780 in making the rejection as no Schmitt '380 patent was cited by Applicant or the Office.

'780, col. 5, lines 43-68.) Thus, there is no selective engagement as is recited in the noted claims.

With respect to the claimed clutching (claims 7-19), the Office cited reference number 80 in Schmitt '780 as being a clutching mechanism. Applicant respectfully disagrees with this interpretation. As described at column 5, lines 31-42 of Schmitt '780, "the adjustment gear 64 has a body portion 78 and a *neck* 80." Neither neck 80 nor gear 64 has a means by which clutching can occur and Schmitt does not even mention the potential problem of overadjustment. Thus, Schmitt '780 does not show or suggest a clutch mechanism.

Therefore, Applicant respectfully requests that the rejection of claims 1-3 and 6-20 under 35 U.S.C. § 102(b) be withdrawn.

Rejection of Claims 4-5 and 21-22 Under 35 U.S.C. § 103(a) Over Denley or Schmitt, in light of Denley, U.S. Pat. No. 5,355,287

Claims 4-5 and 21-22 were rejected under 35 U.S.C. § 103(a) as being obvious over Denley '343 or Schmitt '780 in view of Denley '287. Denley '287 is cited as teaching a gasket and an O-ring. While Applicant does not dispute that the use of gaskets and O-rings in headlamp adjusters is well known, as described above, neither Denley '343 nor Schmitt '780 teach the selective engagement recited in claims 4-5 and 21-22. Thus, Applicant respectfully requests that the rejection of claims 4-5 and 21-22 under 35 U.S.C. § 103(a) be withdrawn.

**CONCLUSION**

In view of the amendments and remarks presented above, Applicant respectfully requests reconsideration of claims 1-22 and requests that the rejections of these claims under §§ 102(b) and 103(a) be withdrawn. Applicant believes that the application is now in condition for allowance, and respectfully requests notification of same. The Examiner is encouraged to telephone the undersigned in the event a telephone conference would expedite prosecution of the application.

Respectfully submitted,

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